

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MIRROR WORLDS TECHNOLOGIES, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 1:17-cv-3473 (JGK)

**DEFENDANT FACEBOOK, INC.'S
NOTICE OF MOTION AND *DAUBERT* MOTION TO EXCLUDE
OPINIONS OF JIM W. BERGMAN**

PLEASE TAKE NOTICE that pursuant to *Daubert* and Rule 702 of the Federal Rules of Evidence, Defendant Facebook, Inc. (“Facebook”), through its undersigned counsel, respectfully moves the Court before the Honorable John G. Koeltl, for an order to exclude the opinions of Mirror Worlds Technologies, LLC (“Mirror Worlds”) damages expert Jim W. Bergman, because (1) Mr. Bergman’s damages model does not provide a reliable measure of damages attributable to the alleged infringement, (2) Mr. Bergman’s “profit split” is not the result of any sound methodology or analysis, and (3) Mr. Bergman provides no factual, technical or other support for his “derivative benefits” and “increased profits” opinions.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Law, the Declaration of Heidi L. Keefe and exhibits attached thereto, all filed concurrently herewith, as well as all cited pleadings in this action, any matter of which the Court may take judicial notice, and any argument as the Court may consider hearing on this Motion.

Dated: May 20, 2021

By: /s/ Heidi L. Keefe

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CERTIFICATE OF SERVICE

I, Heidi L. Keefe, hereby certify that a true and correct copy of the foregoing document was served on counsel of record via ECF May 20, 2021.

/s/ Heidi L. Keefe
Heidi L. Keefe